

City of La Verkin

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www.laverkin.org

La Verkin City Council Meeting Minutes

Wednesday, September 2, 2015 6:00 p.m.

Council Chambers, 111 S. Main, LaVerkin, Utah

Present: Mayor Kerry Gubler; Council-Members: Randy Reeve, Richard Hirschi, Ken Hooten, and Chantelle Browning; Staff: Kyle Gubler, Derek Imlay, Troylinn Benson, Kevin Bennett, Chief Ben Lee, and Christy Ballard; Public: John & Rose Valenti, Debbie Lee, Fay Reber, Connie Walling, Blair Gubler, and Micah Gubler.

A. Called to Order – Invocation and the Pledge of Allegiance was given by Connie Walling at 6:00pm.

B. Recognitions:

1. Mangum Family-Seed display for the Washington County Fair.

Mayor Gubler explained the Mangum family was not able to be here so they will be recognized at the next City Council meeting.

C. Consent Agenda: (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)

1. Declarations of conflict of interest
2. Agenda
3. Minutes: August 5, 2015 and August 19, 2015 regular meeting minutes
4. Review Invoices and Checks: \$33,785.08

Motion was made by Councilman Richard Hirschi to approve the consent agenda, including the August 5, 2015 and August 19, 2015 regular meeting minutes and the checks and invoices in the amount of \$33,785.08, second by Councilwoman Chantelle Browning. Roll Call Vote: Reeve-yes, Hooten-yes, Hirschi-yes, Browning-yes. Motion carried unanimously.

D. Committee Reports:

1. Planning Commission-Councilman Hirschi reported the Planning Commission has not had a meeting.
2. Water Board-There has not been a meeting.
3. Sewer Board- Blair reported they are continuing the discussion of septic tanks on small parcels and are making progress on it. They also discussed impacts for a new hotel in Hurricane.
They have had the last cutting of hay.
Ash Creek will begin cleaning the lines in La Verkin within the next month or two.
4. Fire District-Councilman Hooten reported there has not been a meeting.

E. Citizen Comment & Request for Future Agenda Items:

No comments were made.

F. Council Vacancy:

Mayor Gubler explained Councilman Ray Justice has moved to Branson, Missouri, and is no longer able to serve on the Council. There have been three individuals apply for the vacancy. The interviews will go in alphabetical order.

Kyle explained each person would have five minutes to give an introduction and explain to the Councilmembers how they envision La Verkin moving forward.

Connie Walling- Has lived in La Verkin for seven years. It is a lot like the town she grew up in in Colorado. That town also had to bring in businesses to keep the taxes down at the same time keeping the small town feel.

She loves this town, loves driving down the street and seeing animals, not just houses.

Connie moved here from California. She came here to get away from all the houses.

La Verkin has to grow, but it is important to her to preserve the heritage and the beauty of this Country and community. She would love to be part of preserving that heritage while at the same time helping the community grow so her children and grandchildren will want and be able to return.

Debbie Lee- Grew up in Santa Clara, Utah. She graduated from Dixie High School, attended Dixie College, served an LDS mission to England, and graduated from the University of Utah with a Bachelor of Science Degree in Communications. She values her education; it has helped her make good and sound decisions.

In the corporate world, she worked for Zions Bank in their training department. While there, she created a new training program for the Corporation so they could properly train their tellers. She also did other technical training and made sure people understood how the policy and procedures applied to the banking world. She learned a lot from Zions Bank like the value of a dollar, budgeting, obtaining goals, be efficient in the things she did, and how to work under pressure.

As a stay at home mother she works with her children every day and uses her education and skills every day.

Debbie and her husband own two rentals so they are business owners. They have built homes and renovated homes.

She has learned that she can do hard things and wants her children to learn from her that they can too.

When she does things like run for City Council, she hopes they see that.

She would like to be part of City Council because she knows she can make good, sound decisions. She wants to raise her kids in a good community that she is proud of. She values education. She volunteers at the Elementary school and knows La Verkin has good teachers.

Debbie has heard there is a conflict of interest that she is running for City Council and her husband is the Police Chief. There is no conflict of interest. She is Debbie Lee, it does not matter who she is married to and what he does to serve the community. She can make a difference and she can be a good person and make good decisions for the City. She understands public safety and can recognize when there is a problem. If a matter does come up where she would have to abstain herself because of her husband's position she would do so.

She also recognizes and appreciates the Public Work department and all of the hard work they do.

Micah Gubler- Thanked the Councilmembers for the opportunity. Micah has lived in La Verkin for 37 of his 40 years. Two years he was serving an LDS mission and the third, he and his wife were just starting out. He loves La Verkin; it is a great place to live. He and his wife have built a couple of homes and each time they have chosen La Verkin.

He has been interested in city government and serving on the Council for some time but raising six children has been the priority. He has a little more free time now and would like to help move things forward in La Verkin. He has been encouraged and impressed with the direction the City has been moving, with the new businesses coming into town, the ordinances, and keeping the heritage of the community. There are many positives in this town, despite the stigma La Verkin has from the surrounding communities.

One of the biggest reasons he is running is to make the community a place where families can stay. There is a lot of entry level housing where young families start and once they have some equity and grow out of their home they move away. He wonders why they feel like they need to move away. La Verkin is a great place and a great place to raise kids.

Micah has owned several small businesses, that has taught him to be creative when dealing with a small streamlined budget. Everything could use more money, but La Verkin has a limited budget. He feels some of the ways to keep families in La Verkin is to improve the roads and to get more recreational opportunities to the parks and with the sports.

He has been very impressed with the changes made to the law enforcement.

It will take some creative thinking and collaboration between good minds to make things happen with a limited budget and to get more of the right type of businesses that will stay so we don't end up with more empty buildings along State Street. As a business owner, he feels he can help with that.

Mayor Gubler thanked the candidates for their presentations and stated once the votes have been counted, Kyle will swear in the new Councilmember.

Kyle passed out the ballots and the Councilmembers voted.

He announced Micah Gubler would fill the term left by Ray Justice.

Kyle Gubler swore in Micah Gubler.

G. Business:

1. Discussion and possible action to approve Ordinance No. 2015-08; An ordinance establishing the City of La Verkin Curbside Recycling Collection Program, including rules and procedures for implementation and enforcement of said program.

Mayor Gubler said that Faye Reber is here to answer any questions and asked if La Verkin has the ability to decide if they would like to participate in the Recycling program and if so what program they would like to be part of.

Faye explained the Council could choose whether the City would like to participate in the Program. If they do not, the item is finished. If they decide to participate then the decision needs to be made to make it a mandatory or give the citizens an opt-out option. Most of the communities have gone with some form of the opt-out program. Hurricane, Springdale, and Ivins have chosen the mandatory option. Apple Valley, Enterprise, New Harmony and the County have elected to not be part of the program. If the opt-out program is selected, Faye had prepared a one-time only opt-out ordinance that the City can use or they are free to draft their own requirements.

Faye explained the opt-out ordinance was drafted very narrowly because the District would like as many people participating as possible to try to get the lower rate.

Mayor Gubler mentioned recycling would also help extend the life of the landfill.

Councilman Reeve mentioned the District prefers the two options they presented because they don't want to have to send trucks out to deliver or collect recycle cans all the time.

Councilman Hooten asked what would happen if the percentage of participation were low in La Verkin.

Faye replied once La Verkin has decided if they are participating, the District will take all of the participating communities and calculate the total number of residents in those communities. At the end of the cities opt-out time period, the District will total the number of residents participating in the program and if that number is lower than 50% the program will be shelved. If the participation is over 50%, the contractor will order the trucks and equipment that will be needed. If the total participation is 70% or higher, the overall rate will drop.

So if 75% of La Verkin opts out but the overall percentage is over 50%, the 25% from La Verkin that chose to participate will be in the program.

The contract signed is a five-year contract so the price cannot go up for five years.

Faye went over the process of finding a contractor to pick up the recycling.

Mayor Gubler asked if La Verkin were to opt-out of the program would the binnies still be available and would we be able to participate later.

Faye answered the binnies will remain if La Verkin does not participate or if they choose the opt-out option. If La Verkin does not participate and decides at a later date to participate the details of that would be worked out then, but the City would not be penalized.

Councilman Gubler asked how long this program would extend the life of the landfill.

Faye replied without knowing how many people will be participating that is a hard question to answer. He did say developing landfill space is extremely expensive and difficult. Washington County has never had to move landfill sights but it will not be easy, everyone agrees we need it but no one wants it in their back yard.

The District is currently trying to purchase property next to the landfill to help expand.

Councilman Hooten asked if the landfill currently does any recycling.

Faye replied some material, such as paint, can be accepted by the landfill and then separated. There is not a real effort to recycle the material brought to the landfill.

Councilman Reeve stated the District currently pays \$15 a ton to bury the waste and with the recycling program, the cost would drop to \$5 a ton.

Councilwoman Browning pointed out there are always problems that arise when a new program begins. She suggested opting out completely to let the District work out all of those issues and then joining the program, if we like what we see.

She has had several people mention to her that they are concerned with the cost of the program.

The other item she is concerned with is the impact the program will have on the staff. Other cities have more staff to deal with the extra work this program will bring. She feels La Verkin has a great staff, and they do a great job but the City is understaffed, under paid and over worked. The staff's point of view needs to be considered in the decision.

Councilwoman Browning stated she is not against recycling; she just wants to make sure every aspect is looked at carefully.

Councilman Hooten said he feels we need to look to the future and realize our resources are not constantly growing. We are going to have to recycle in the future. Many other communities have had mandatory recycling for some time. Recycling is good for our Earth.

He is in favor of the program. The citizens he has talked to have all different opinions, some not in favor of the program and some in favor of it and some in favor of different options for the program.

Councilman Hirschi mentioned it is a hard decision to make. The City employees he has talked to are not in favor of the program but many of the citizens he has talked to are. He does agree recycling is going to have to happen and feels this is the opportunity to do it.

Kyle explained the impact the different options will have on the City staff. He also mentioned the administrative cost is in addition to the fee the District is charging.

Councilman Hooten asked how many new homes were built last year and mentioned allowing a person who purchases or builds a new home to have the ability to opt-out of the recycling program would not create a huge impact for staff. There is a certain amount of work already required from City staff whenever any change occurs.

He also asked if La Verkin is responsible for the advertising of the program.

Kyle replied the City is responsible for the advertising. The City sends out a one-page mailer each year for the water report and it costs \$700-\$800. The City can also post information on social media at no charge. The mailer will be the most efficient.

The impact the opt-out option will have on staff is hard to determine because the City has never done an opt-out option for any of the services provided. He has talked to other communities that have the recycling program and they have indicated to him that it does take a lot of staff time.

Faye pointed out the opt-out option gives all of the citizens the opportunity to choose whether they participate. The District has set the individual cost for the program. The City just needs to decide how much they need to add to cover the administrative cost.

Kevin asked if an opt-in option could be available. That way the citizens would have to sign up for the program if they wanted to participate.

He has read what several surrounding communities have passed and some of them are giving the utility account the option to opt-out of the program, not the property owner.

He discussed the pros and cons that he could see with the options.

Faye explained when the program was in its beginning stages the opt-in was discussed and the District felt it would not get the numbers needed to yield the result in saving the landfill space. The program is not set up for La Verkin to choose an opt-in version.

Councilman Gubler asked if 60 days was the only timeframe available to opt-out.

Faye replied the rest of Washington County that is participating will end their opt-out period on October 31st so the District can calculate the overall participation rate and get the trucks ordered. La Verkin has already delayed that a few days.

The District would like the program to begin as close to the start of the New Year as possible that way the contracts will all end at the same time.

Councilwoman Browning mentioned she still feels it would be wise for La Verkin to wait and see how the other cities handle the program and let the issues get worked out. That way we know exactly what we are getting into, how much needs to be charged to cover the administrative fees and exactly how much it will cost the citizens.

Faye mentioned there is a hard ship provision that will allow people with an undue hardship to opt out at any time.

Businesses and condominiums are not included in this program, only curbside residents.

Councilwoman Browning would like to poll the Council to see what option they each would be in favor of before the motion is made on whether or not to participate in the program.

Mayor Gubler polled the Council:

Councilwoman Browning-would like to not be part of the program at all but if the other Councilmembers choose to participate, she would like it to be the opt-out version.

Councilman Hirschi-would like to participate with the opt-out version.

Councilman Hooten-would like to participate with the opt-out version that allows a new owner to opt-out.

Councilman Gubler-would like to participate with the 60-day opt-out version.

Councilman Reeve-would like to participate with the 60-day opt-out version.

Motion was made by Councilman Richard Hirschi to participate in the City of La Verkin Curbside Recycling Collection Program, second by Councilman Randy Reeve. Hirschi-yes, Hooten-yes, Gubler-yes, Reeve-yes, Browning-no. Motion passes.

Mayor Gubler explained the different options have been included in the packet with some additional information Kevin passed out at the beginning of the meeting.

Kevin explained he received ordinances from St. George and Washington City today, that information is the handout he passed out.
He explained the different options.

Faye explained the District agreed to some minor changes made by the City of St. George. In the contract between Dixie Waste and the District there is a provision that talks about breeches and a provision that talks about liquidated damages. Dixie Waste has to pay the District each time they scatter litter or don't pick up things properly.

St. George felt the community should be the one to receive the liquidated damage money, if any was collected, since they would be dealing with the issue. The agreement with St. George was changed to give the liquidated damages back to the community, at the same time the District decided that would apply to all cities in the District. That change has been made but in order to move things along the District chose to not amend all of the agreements but just apply them across the board.

Motion was made by Councilman Ken Hooten to approve Ordinance No. 2015-08 with draft option 2015c which includes an opt-out option program for 60 days or a change in ownership, second by Councilman Richard Hirschi. Reeve-nay, Gubler-nay, Hooten-yes, Hirschi-yes, Browning-nay. Motion does not pass.

Motion was made by Councilman Randy Reeve to approve Ordinance No. 2015-08 opt-out option A, a onetime 60-day opt-out program, second by Councilman Micah Gubler. Reeve-yes, Gubler-yes, Hooten-nay, Hirschi-yes, Browning-nay. Motion passes.

Mayor Gubler reported La Verkin City will be part of the Curbside Recycling Program with a onetime 60-day opt out period, after that it will become mandatory.

Faye thanked the Councilmembers for their time.

Kevin pointed out the option approved has a provision that is blank for the administration fee to be added to the total cost.

The Council will amend the ordinance later.

H. Staff, Mayor & Council Reports:

City Administrator- Kyle Gubler

Kyle emailed his report to the Councilmembers.

Winterfest is scheduled for Saturday, December 5, 2015.

Caleb Rees, CPA is doing our audit this week. He will report to the Council within the next couple months.

The new utility billing clerk has been hired. Lisia Hueckstaedt will start on September 14th.

Officer Jake Bulkley has turned in his resignation; he has accepted a position with the State AP&P. September 11th will be his last day.

Beautification met today, State Street cleanup day will be Saturday, October 3rd. The LDS wards, Bible Church and youth groups will be coordinating that.

Public Safety- Chief Ben Lee

Welcomed Councilman Gubler.

In coordination with Principal Leavenworth and the help of Derek's crew, the curb along Center Street in front of the Elementary School has been painted to enforce the safety plan for drop off and pick up times. He thanked Derek's crew for doing that.

Patty was able to pick up a dog and her puppies that had been abandoned to help the County. She was able to get a dog fostered out that was severely injured. Dr. Bice came to look at the animal and found he was full of cancer. There was also an abused dog she was able to get to Best Friends animal sanctuary.

The ordinance officer, Officer Fackler has been implementing a system with steps and procedures for citizens to get into compliance at the same time provide proper documentation for legal proceedings. This system helps communicate the why instead of just being demanding to the citizens.

Officer Wolsleger had a DUI arrest in the middle of the day in the school zone. The woman had a child in the car that was upset; Officer Wolsleger was able to get that child calmed down and gave her a stuffed animal. He was also able to calm a child down during a custodial interference call.

Officer Crouse made nine arrests in the month of August. She was also able to obtain a substantial amount of information related to drug houses and activity in our community. She has met with the Washington County Drug Task Force to start working together to get rid of the drug dealers in our community. The top deputy in the County has made 55 arrests since January, Officer Crouse, has made 54.

Chief Lee read a statement from Officer Jake Bulkley thanking everyone for the opportunity to serve the community. He has made a lot of good friends and hopes he will be remembered as a fair and understanding police officer.

Councilman Hirschi mentioned there are still several people parking in the red zone at the Elementary School during drop off and pick up times.

Chief Lee said he is working with Kevin on getting an ordinance drafted. The School District will be purchasing signs so the area will be better marked.

Director of Operations-Derek Imlay

This month 196 acre-feet of irrigation water have been used. In August 2013, 295 acre-feet was used and 183 acre-feet in August 2014.

Derek explained the filter cycling system stating in a normal month the system should cycle 108 times, in August the system cycled 518 times. This was due to the turbidity in the water.

The irrigation has been out of the system the last three days. Derek went over the criteria for when the water needs to be taken out and when it can be put back in. He also invited the Councilmembers to come to his office to show them how the system works.

The gages on the filter system are being watched constantly so the motors don't over heat. Replacing the motor would cost \$2,000 and the entire irrigation maintenance budget is \$7,000.

He does send notification to the Mayor and Kyle when the water is going out and coming back in. If the Councilmembers would like him to notify them as well, he can do that.

Councilman Reeve suggested putting the information on Facebook.

Treasurer-Troylinn Benson

She mentioned the phone system has an irrigation line that we try to keep updated.

She thanked Councilwoman Browning for thinking of staff when making decisions.

It has been a busy week. She has been working mainly with the Auditor and Christy has been covering the front. Derek and John have been helping cover the front also.

Troylinn passed out the standard financial. If the Councilmembers have any questions feel free to contact her or Kyle.

The Auditor mentioned things went very well and he finished up early.

Mayor Gubler- The next City Council meeting is scheduled for September 16th. The Mayor would like to cancel that meeting. The Utah League of Cities and Towns has their annual conference and several staff and Councilmembers will be gone. The next meeting will be in October.

Browning-Mosquito Abatement West Nile Virus update-northern Utah has had the virus for a month and southern Utah has been clear until last week, Washington County has had three vials test positive. There have been no human cases in Utah but testing has shown West Nile is active throughout the entire State. The test positive pools are low in number but the species does like to go into homes and feed on humans. We need to get the word out that people need to wear protection and use sunscreen.

The Beautification Committee is working on a trail that will come off the ledge from the "L" and connect to the trail that runs along the mountain. Anyone interested in being a part of that is welcome.

Mayor Gubler asked Councilwoman Browning to extend his appreciation to the Beautification Committee.

Hirschi-Nothing to report.

Hooten-Thanked Officer Bulkley for the great job he has done and stated he is sad to see him leave us. He has noticed a marked difference in marking the drop off zone at the Elementary School. He would like an ordinance drafted by the next meeting to not allow parking in that area.

Councilman Hooten thanked Connie and Debbie for applying for the vacancy. It does take courage, he hopes this does not discourage them from running in the fall.

Gubler-He looks forward to serving with the Councilmembers and appreciates the City Staff for everything they do.

Reeve-Nothing to report.

I. Adjourn:

Motion was made by Councilman Ken Hooten to adjourn, second by Council Richard Hirschi. Browning-yes, Hirschi-yes, Hooten-yes. Gubler-yes, Reeve-yes. Motion carried unanimously at 7:40pm.

Minutes were taken on behalf of the City Recorder by Christy Ballard.

October 7, 2015
Date Approved

ATTEST:

Kyle Gubler
Kyle Gubler
City Recorder

Kerry T. Gubler
Mayor Kerry T. Gubler